

## SCHEDULE OF MAXIMUM FEES FOR COUNSEL AND OTHER SERVICES

The following fees are hereby prescribed for this District:

1. Maximum Hourly Rate for Assigned Counsel:

The maximum hourly rate for assigned attorneys shall not exceed \$90 per hour for time expended in court, and \$90 per hour for time reasonably expended out of court. These new rates will apply to all time expended on or after May 1, 2002. In addition, such attorney shall be reimbursed for expenses ***reasonably*** incurred. The cost of any necessary transcripts authorized by the court will be claimed by the court reporter on a CJA-24; and therefore, should **not** be claimed by an attorney on a CJA-20 form.

2. Discretionary Rates of Hourly Compensation:

Co-counsel or associate attorneys may not be compensated under the Act. However, an appointed counsel may claim compensation for services furnished by a partner and/or associate, as well as any paralegals, law clerks, and/or assistants, for research and/or trial preparation assistance **with prior authorization by the Court**. Exact rates will be set and approved at the discretion of the presiding Judge. Suggested rates are prevailing industry medians for the Western New York area as follows:

Partners/associates (Attorney II)	\$40/hour
Paralegals/law clerks/assistants	\$20/hour

The Judicial Conference has been given authority by Congress to establish higher maximum hourly rates for particular districts or circuits. However, the Western District of New York does not fall into this category; therefore, the maximum allowable rates within the presiding judge's discretion will not exceed \$90 per hour for both in-court and out-of-court time. **All vouchers will be subject to adjustment by the presiding Judge.**

3. Maximum Amounts of Case Compensation:

For representation of a defendant before a Magistrate and/or District Court Judge, the maximum compensation to be paid to an attorney shall not exceed **\$7,000** for each attorney in a case in which one or more felonies are charged, and **\$2,000** for each attorney in a case in which only misdemeanors are charged. Representation of a defendant on a new trial shall be considered as a separate case, and fees shall be paid on the same basis as in the original trial.

For representation in connection with any of the following matters, the maximum compensation shall not exceed **\$1,500** for each attorney in a proceeding before this court:

- a. Probation violation;
- b. Supervised release hearing;
- c. Parole proceedings;
- d. Witness/material witness in custody;
- e. International extradition.

4. Waiving Case Compensation Maximums:

Payment in excess of any case maximum amount may be made to provide fair compensation in cases involving extended or complex representation whenever the court in which the representation was rendered certifies that the amount of the excess payment is necessary, and is additionally approved by the Chief Judge of the Second Circuit. The following criteria, among others, may be used as determination factors:

- a. Responsibilities involved measured by the magnitude and importance of the case;
- b. Manner in which duties were performed;
- c. Knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel;
- d. Any extraordinary pressure of time or other factors under which services were rendered.

5. Affidavit

In cases in which the application for services exceeds the maximum amounts set for counsel, an affidavit will be required. Please see the enclosed form CJA-26A for guidance in drafting such document.

6. Worksheets

Worksheets for in-court hours, out-of-court hours, as well as travel and other expenses are to be submitted for all vouchers. All time must be rounded to the nearest 1/10th and then multiplied by the appropriate hourly rate. If the appropriate detailed breakdown is not provided with each CJA-20 voucher, the entire submission will be returned for completion.

7. Travel Rates

The maximum mileage reimbursement rate as of January 1, 2003 is \$0.485 per mile. This rate is established by the General Services Administration (GSA) and is subject to change.

When travel outside the district has been authorized by the Court in connection with representation under the CJA, government travel rates at substantial reductions from ordinary commercial rates may be available from common carriers. To procure such rates, by assigned counsel as well as investigators and other service providers, **prior approval must be obtained from the presiding Judge.** Contact must then be made with the Clerk's Office (ATTN: Lisa Ball at (716) 332-1730) to make the proper travel arrangements. A travel authorization letter will be provided at that time itemizing maximum subsistence rates as well as a maximum daily rental car rate, if applicable.

## INSTRUCTIONS FOR CJA FORM 20

### APPOINTMENT AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

Read these instructions carefully before completing the form. Accuracy and thoroughness will aid in the prompt payment of the claim. If possible, use a typewriter to complete the form; otherwise, write legibly with a ball point pen (preferably black or dark blue ink). If the form is system generated, Items 1 through 12 and 14 will be preprinted on the form. Attach an itemized statement of the services provided and expenses incurred. Give the date and the number of hours claimed for each service provided. Provide dates for and a description of the expenses incurred. For additional guidance, see the *Guidelines for the Administration of the Criminal Justice Act and Related Statutes (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, which is available for reference in the Clerk's office.

Appointed counsel may obtain investigative, expert, and other services necessary for adequate representation in accordance with the procedures set forth in subsection(e) of the Criminal Justice Act (CJA), 18 U.S.C. §3006A. Prior authorization from the presiding judicial officer is required for all such services where the cost, excluding expenses, will exceed \$500. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$500, unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Payment for these services should be claimed directly by the service provider on a CJA Form 21, "Authorization and Voucher for Expert and Other Services."

**Vouchers shall be submitted no later than 45 days after the final disposition of the case, unless good cause is shown (Paragraph 2.21A, *cja guidelines*). All payments made pursuant to this claim are subject to post-audit; contemporaneous time and attendance records as well as expense records must be maintained for three years after approval of the final voucher (paragraph 2.32, *cja guidelines*). Any overpayments are subject to collection, including deduction of amounts due from future vouchers.**

- Item 1. CIR./DIST./DIV. CODE:** This four-character location code is the circuit or district, and divisional office codes of the court where the proceedings for the person represented are held.
- Item 2. PERSON REPRESENTED:** Give the full name of the person whom you were appointed to represent.
- Items 3-6. DOCKET NUMBERS:** Provide the case file or miscellaneous number assigned by the court. Enter the number using the last two digits of the calendar year (YY), the sequential number assigned by the court (NNNNNN), and the defendant number (DDD) as shown on the indictment or charging document. Thus, the format of the docket number is YY-NNNNNN-DDD. **Note:** If two or more cases are heard or tried together for the person represented, complete a separate voucher for each case in which representation is provided (i.e., for each docket number listed). Prorate the total time among the cases. On supporting documentation, cross reference all related claims for which costs are prorated.
- Item 7. IN CASE/MATTER OF (CASE NAME):** In criminal cases, enter *U.S. vs. Defendant's Name*. If it is a multiple defendant case, give the case cite as provided on the indictment or information (e.g., *U. S. vs. Lead Defendant's Name, et al*). If the person represented is not a defendant (e.g., material witness), enter the first named defendant in the court's recording of the case. If this is a civil case (e.g., habeas corpus), enter the *Name of the Petitioner vs. the Name of the*

*Respondent* and include the respondent's title. If other than a civil or criminal case (i.e., miscellaneous matters), enter "*In the Matter of*" followed by the *Name of the Person Represented*.

**Item 8.**

**PAYMENT CATEGORY:** Check the appropriate box that establishes the statutory threshold for representation in this case type. If "Other" payment category is checked, specify the category within the scope of the CJA. See paragraph 2.22 B(2) of the *CJA Guidelines*.

**Item 9.**

**TYPE PERSON REPRESENTED:** Check the box that defines the legal status of the person represented.

**Item 10.**

**REPRESENTATION TYPE:** From the list below, select the code that describes the type of representation:

CC A defendant charged in a criminal case with an offense(s) that is a felony, misdemeanor, or petty offense under the United States Code, or an assimilated crime under a state code including ancillary matters.

NT A new trial either directed from the court of appeals on remand or as a result of a mistrial

MA Motion attacking a sentence (28 U.S.C. § 2255)

MC Motion to correct or reduce sentence (Fed. R. Crim. P. 35)

HC Habeas corpus, non-capital (28 U.S.C. § 2254)

BP Bail Presentment

WI Material Witness (in custody)

WW Witnesses (Grand Jury, a Court, the Congress, a Federal Agency, etc.)

PR Probation Revocation

PA Parole Revocation

SR Supervised Release Hearing

EW Extraordinary Writs ( Prohibition, Mandamus)

CH Mental Competency Hearings (see Chapter 313 of Title 18 U.S. Code)

PT Pretrial Diversion

EX Extradition Cases (Foreign)

OT Other types (e.g., line ups, consultations, prisoner transfer, etc.)

TD Appeal of a Trial Disposition

CA Other Types of Appeals

AP Appeal From Magistrate's Decision

CF Civil Asset Forfeiture

AF Appeal of Civil Asset Forfeiture

**FOR DEATH PENALTY CASES, USE THE CJA FORM 30 AND APPLICABLE TYPE OF REPRESENTATION CODES**

**Item 11.**

**OFFENSE(S) CHARGED:** Cite the U.S. Code, with title and section, or other code citation of the offense or offenses (list up to five) with which the person represented is charged. If other than a federal code is cited, state the statutory maximum period of confinement authorized for the offense. If a civil matter, such

as a habeas corpus representation or a motion attacking sentence, cite 28 U.S.C. § 2254 or 28 U.S.C. § 2255, respectively. For direct appeals from a case disposition, cite the major offense (U.S. Code, title and section) for which the defendant was convicted.

**Items 12/14 ATTORNEY'S NAME AND MAILING ADDRESS and NAME AND MAILING**

**ADDRESS OF LAW FIRM:** Complete Item 12 with the legal name and address of the attorney appointed to represent the person whose name is shown in Item 2. If prior to your appointment for representation, you had a pre-existing agreement with a law firm or corporation, including a professional corporation, indicating that CJA earnings belong to the law firm or corporation, rather than to the court-appointed attorney/payee, provide the name and mailing address of that law firm or corporation in Item 14. This information will allow earnings to be reported to the Internal Revenue Service (IRS) on a 1099 Statement as earnings of the law firm or corporation and not as the earnings of the attorney appointed. (*Note: Information about a pre-existing agreement, including the Taxpayer Identification Number (TIN) of the law firm or corporation, should be provided to the court staff when the attorney is admitted to the panel or at initial appointment to a case.*)

**Item 13. COURT ORDER:** Check the box that describes the type of counsel appointed. If appointed as a substitute counsel, give the name of the previous counsel and the appointment date. If appointed as a "Standby Counsel," check "Other" and attach a court order establishing this type of appointment in accordance with paragraph 2.17 of the *CJA Guidelines*. Also check "Other" if counsel is appointed pursuant to 28 U.S.C. § 1875(d)(1) to protect a juror's employment rights, and attach the court order appointing counsel for this purpose. The remaining portion of this item will be completed by the clerk of court or other court-designated person. The presiding judicial officer or clerk of court must sign and date this court order to validate the appointment. If services were provided prior to court appointment, the presiding judicial officer may wish to ratify the previous service by indicating a "nunc pro tunc" date that covers the services prior to appointment. No other court order is necessary. Indicate whether the court orders full or partial repayment of the cost for representation from the person represented at the time of appointment by checking "Yes" or "No."

**Item 15. IN-COURT SERVICES:** Enter the total number of hours claimed (in hours and tenths of an hour) for each applicable in-court service category. To support the totals entered in each category, attach to the voucher an itemization of services, by date, and indicate the number of hours for each service. Enter the total in-court hours where required on the form, and multiply the total number of in-court hours claimed by the hourly rate in effect for the place of holding court in which the representation is provided or the attorney maintains his or her principal office. If the case is an appeal to the court of appeals, enter the higher of the rates per hour in effect for the place of holding court in which the attorney maintains his or her principal office or the place of holding court out of which the case arose. Enter the total amount claimed in the appropriate box on the form.

**Item 16. OUT-OF-COURT SERVICES:** Complete according to the instructions above for in-court time, using the applicable out-of-court hourly rate of compensation.

**NOTE:** The "**FOR COURT USE ONLY**" column will reflect any mathematical or technical adjustments to the claim during the judicial approval process or changes during a required additional review of the chief judge of the court of

appeals (or delegate).

**Item 17. TRAVEL EXPENSES:** Travel related expenses that are incidental to the representation (e.g., transportation, lodging, meals, car rental, parking, bridge, road and tunnel tolls, etc.) must be itemized on a separate sheet, indicating dates the expense was incurred. Attach supporting documentation (receipts, canceled checks, etc.) for all travel expenses. Travel expenses by privately owned automobile, motorcycle, or aircraft should be claimed at the rate in effect for federal employees at the time of travel. For overnight travel, reasonable expenses for lodging and meals will be reimbursed on an actual expense basis; per diem is not allowed. Counsel should be guided by prevailing limitations for travel and subsistence expenses of federal employees. The clerk of court can advise you of applicable rates and federal government travel regulations.

**Item 18. OTHER EXPENSES:** Itemize all reimbursable out-of-pocket expenses incidental to representation. Provide dates and a brief description of the expense. Enter the total claimed where required on the form. Submit supporting documentation (receipts, canceled checks, etc.) for single item expenses in excess of \$50. Reimbursable expenses may include, in some circumstances, payments to law students or law clerks for legal research and assistance and the cost of computer assisted legal research (CALR) when conducted by counsel. See paragraphs 2.27 B and 3.15 of the *CJA Guidelines* for an explanation. The following are not reimbursable expenses, and should not be claimed:

1. General office overhead, such as rent, telephone services, and secretarial services.
2. Expenses for items of a personal nature for the client (e.g., clothes, haircuts).
3. The cost of printing briefs. However, the cost of photocopying or similar copying service is reimbursable.
4. Fact witness fees, witness travel costs, and expenses for service of subpoenas. These expenses are not paid out of the CJA appropriation, but instead are paid by the Department of Justice pursuant to Fed. R. Crim. P. 17, and 28 U.S.C. § 1825. Contact the United States Marshal for payment procedures. See paragraph 3.13 of the *CJA Guidelines* for guidance on payment of witness fees generally.
5. Filing fees. These fees are waived for persons proceeding under the CJA.
6. The cost of allowable investigative, expert, or other services. (See Chapter III of the *CJA Guidelines*). Such services should be requested using a CJA Form 21.
7. Compensation taxes. Taxes paid on attorney compensation, whether based on income, sales or gross receipts are not reimbursable expenses.

**Totals. Enter the Grand Totals where required by adding "in-court" and "out-of-court" totals, "travel" and "other expenses."**

**Item 19. CERTIFICATION OF ATTORNEY/PAYEE FOR PERIOD OF SERVICE:** The person appointed by the court must certify dates of service for the representation. Indicate, where required, the date range for the services claimed on the voucher.

**Item 20. APPOINTMENT TERMINATION DATE, IF OTHER THAN CASE COMPLETION:** If the appointment is discontinued by order of the court (i.e., substitute counsel or reasons other than disposition of the defendant's case, such as fugitive defendant, appointment of federal defender, or retention of counsel by a defendant), give the effective date for termination of appointment.

**Item 21. CASE DISPOSITION:** Indicate case disposition for the person represented (e.g., dismissed, convicted/final plea guilty, probation revoked, other, etc.). Select a code from the table below.

	Type of Disposition	Code
District Court Criminal and Other Proceedings	Dismissed	1
	Acquitted by court, or government motion for judgment of acquittal granted	2
	Acquitted by jury	3
	Convicted/final plea guilty	4
	Convicted/final plea nolo	5
	Convicted/court trial	8
	Convicted/jury trial	9
	Mistrial	C
	Not Guilty/insane/court trial	E
	Guilty/insane/court trial	F
	Not guilty/insane/jury trial	G
	Guilty/insane/jury trial	H
	Other (PTD matters, other reps. Transfers)	X
Appeals	Affirmed	A
	Reversed	R
	Remanded	0
	Reversed in Part/Affirmed in Part	RA
	Affirmed in Part/Reversed in Part	AR
	Dismissed	1
Probation/Parole/ Supervised Release	Revoked	RV
	Restored	RS
Habeas/Petitions/Writs	Granted	GR
	Denied	DE

**Item 22. CLAIM STATUS:** Indicate, by checking the appropriate box, whether the voucher is (1) the final payment for the services, (2) an interim payment, or (3) a supplemental payment (an additional claim submitted after a final payment is made). If an interim payment, indicate the interim payment number. Complete the remaining portion of Item 22, and sign and date the affirmation statement before submitting the claim for court approval.

**Items 23-28a.**

**APPROVED FOR PAYMENT:** The presiding judicial officer will indicate the amount approved for payment in each category (Items 23 - 26). These amounts will reflect any mathematical and technical adjustments to your claim. The **"TOTAL AMOUNT APPROVED/CERTIFIED"** for payment equals the amount approved in the major categories, less any amounts withheld for an interim payment.

**SIGNATURE OF THE PRESIDING JUDICIAL OFFICER:** If the total amount approved for payment (both in-court and out-of-court), not including expenses, is less than or equal to the statutory limitation, the claim will be processed for payment. The presiding judicial officer will sign and date the voucher indicating approval of the amount to be paid in Item 27. If compensation exceeds the statutory threshold for the representation, submit a detailed memorandum, supporting and justifying that the representation was provided in a complex or extended case and that the claim for the excess amount is necessary to provide fair compensation. Upon preliminary approval of the claim, the presiding judicial officer will (1) signify approval by circling the word "cert" (for word certified) in Item 27 and (2) forward the voucher to the chief judge of the court of appeals (or delegate) for approval of the excess amount. The **JUDGE CODE** will be provided by the court staff.

**Item 29-33.**

**APPROVED FOR PAYMENT:** For payments in excess of the statutory limitation, the chief judge for the court of appeals (or delegate) will indicate the amount approved for payment in Items 29 - 32. This amount will reflect any adjustments in your claim resulting from additional technical or mathematical review by the chief judge (or delegate). The chief judge of the court of appeals (or delegate) will indicate the **TOTAL AMOUNT APPROVED** for payment of the claim, less any amounts withheld for an interim payment in Item 33.

**Item 34.**

**SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE):** Before the claim is paid for the excess amount, the chief judge of the appeals court (or delegate) must sign and date Item 34, approving payment for compensation that exceeds the statutory threshold. If approval is not granted, compensation will be limited to the statutory maximum for the representation and expenses as approved. The **JUDGE CODE** will be provided by the court staff.



**NOTICE TO CJA PANEL ATTORNEYS REGARDING AVAILABILITY OF  
INVESTIGATIVE, EXPERT AND OTHER SERVICES**

All attorneys appointed to provide representation under the Criminal Justice Act, 18 U.S.C. § 3006A, may request, under subsection (e) of the Act, authorization to obtain investigative, expert and other services necessary for adequate representation, to be paid from funds appropriated for the administration of the Act.

In addition to investigators, psychiatrists, psychologists and reporters, services other than counsel may include, but are not necessarily limited, to interpreters, neurologists, and laboratory experts in the areas of ballistics, fingerprinting, handwriting, etc.

Requests for authority to obtain “subsection (e)” services should be made to the presiding judge or magistrate judge (see cautionary note below). In order to prevent the possibility that an open hearing concerning a request for subsection (e) services will cause a defendant to reveal his or her defense, these requests should be made by *ex parte* application. Guidelines promulgated by the United States Judicial Conference, *Guidelines for the Administration of the Criminal Justice Act*, Volume VII, *Guide to Judiciary Policies and Procedures (CJA Guidelines)*, provide that the applications shall be heard *in camera* and not be revealed without the consent of the defendant. The *Guidelines* further state that such applications shall be placed under seal until the final disposition of the case in the trial court, subject to final order of the court.

**CAUTIONARY NOTE**

There are, however, limitations that apply to the obtaining of these services. **PRIOR AUTHORIZATION SHOULD BE SECURED** from the presiding judicial officer for all subsection (e) services where the cost (exclusive of reimbursement for expenses) will exceed \$300. In addition to prior authorization, once the services have been provided, the claims for compensation must be approved by the presiding judicial officer. Failure to obtain prior authorization will result in the disallowance of any amount claimed for compensation in excess of \$300, unless the presiding judicial officer, in the interest of justice, finds that timely procurement of necessary services could not await prior authorization. Except in death penalty proceedings, claims for compensation in excess of \$1,000 (excluding reimbursement for expenses) may be paid only if the presiding judicial officer certifies that payment in excess of the amount is necessary to provide fair compensation for services of an unusual character or duration, and the amount of the excess payment is approved by the chief judge of the circuit (or the active circuit judge to whom the chief judge has delegated excess compensation approval authority). Payment for subsection (e) services should be claimed directly by the service provider on the CJA Form 21, “Authorization and Voucher for Expert and Other Services,” or, in death penalty proceedings, on the CJA Form 31, “Death Penalty Proceedings: *Ex Parte* Request for Authorization and Voucher for Expert and Other Services.”

Counsel should review both the Criminal Justice Act and the *CJA Guidelines*. A copy of the *CJA Guidelines* is located in the office of the Clerk of Court.

**A NOTE ON THE APPELLATE RESPONSIBILITIES  
OF ATTORNEYS HANDLING CRIMINAL TRIALS IN  
THE DISTRICT COURTS OF THE SECOND CIRCUIT**

Your attention is directed to Rule 4(b) of the Local Rules of the United States Court of Appeals for the Second Circuit which sets forth the duty of trial counsel to continue his representation of a defendant through the appellate process. This rule, which is firmly and uniformly applied to appointed as well as retained counsel, expresses the Court's view that the trial and appeal of criminal matters are parts of an integrated process which require continuity of representation throughout.

Because the Court of Appeals does not look with favor upon motions to be relieved, CJA counsel are advised to consider their appellate responsibilities when accepting criminal trial assignments. Motions to be relieved in the Court of Appeals should be made only for exceptional circumstances not anticipated at the time the trial assignment was accepted.

**GUIDANCE TO ATTORNEYS IN DRAFTING THE MEMORANDUM REQUIRED FOR A COMPENSATION CLAIM IN EXCESS OF THE CASE COMPENSATION MAXIMUM: DISTRICT COURT**

Paragraph 2.22C(2) of the *Guidelines for the Administration of the Criminal Justice Act (CJA Guidelines)*, Volume VII, *Guide to Judiciary Policies and Procedures*, provides:

In any case in which the total compensation claimed is in excess of the statutory case compensation maximum, counsel shall submit with the voucher a detailed memorandum supporting and justifying counsel's claim that the representation given was in an extended or complex case, and that the excess payment is necessary to provide fair compensation.

Paragraph 2.22B(3) of the *CJA Guidelines* states that a case is complex if the "legal or factual issues. . . are unusual, thus requiring the expenditure of more time, skill and effort by the lawyer than would normally be required in an average case," and that a case is extended if "more time is reasonably required for total processing than the average case". Paragraph 2.22B(3) lists the following criteria as useful in determining fair compensation in extended or complex cases: responsibilities involved measured by the magnitude and importance of the case; manner in which duties were performed; knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; nature of counsel's practice and injury thereto; any extraordinary pressure of time or other factors under which services were rendered; and any other circumstances relevant and material to a determination of a fair and reasonable fee.

To assist counsel in writing a "detailed memorandum supporting and justifying counsel's claim that the representation given was in an extended or complex case, and that the excess payment is necessary to provide fair compensation," the following topics are provided for counsel's consideration. Some of these issues may not apply to a particular case or may not be noteworthy for this memorandum. Counsel, of course, may address topics other than those listed below.

Length of appointment to case; total number of in-court hours, specifying pre-trial hearings, trial, sentencing hearings, and other; and total number of out-of-court hours.

Offense(s) charged; number of counts charged; and other pending cases of defendant during the representation.

Number of co-defendants.

The sentencing guideline range found by the court and whether a mandatory minimum was found or at issue at sentencing.

Discovery materials (nature and volume) and/or discovery practices.

Motions, legal memoranda, jury instructions, and sentencing documents, or legal research not resulting in such, which were drafted originally for this case (do not include standardized motions, etc., unless content was modified significantly).

Investigation and case preparation (e.g., number and accessibility of witnesses interviewed, record collection, document organization).

Use of investigative, expert, or other services (CJA 21 voucher).

The following client considerations: communication with client/family, language difference, accessibility of client, other.

Any expense (see Items 17 and 18 of the CJA 20 voucher) greater than \$500.

Any other noteworthy circumstances regarding the case and the representation provided to support this compensation request. Include, if applicable: negotiations with the U.S. Attorney's office or law enforcement agency; complexity or novelty of legal issues and factual complexity; responsibilities involved measured by the magnitude and importance of the case; manner in which duties were performed and knowledge, skill, efficiency, professionalism, and judgment required of and used by counsel; nature of counsel's practice and hardship or injury resulting from the representation; any extraordinary pressure of time or other factors under which services were rendered.

## REQUESTS FOR TRANSCRIPTS

It is the sense of the Judicial Conference that a substantial number of criminal cases, including appeals, can be fairly conducted without a full transcript of all testimony and proceedings. It is suggested that counsel exhaust all efforts to perfect representation without full trial transcripts, by use of such traditional devices as preparation of limited transcripts, and preparation of an agreed statement or other summary of the evidence.

**Statutory authority allows for the transcription and certification of such parts of the record of proceedings as may be required by any rule or order of court, including all arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases.**

In the absence of prior special written authorization, trial transcripts shall **exclude**:

- |                                    |                          |
|------------------------------------|--------------------------|
| a. Prosecution opening statements; | e. Prosecution rebuttal; |
| b. Defense opening statements;     | f. Voir dire; and        |
| c. Prosecution argument;           | g. Jury instructions     |
| d. Defense argument;               |                          |

In the event an attorney wishes to seek approval for an “excludable” proceeding, **a detailed justification must be provided in the form of an Affidavit for the presiding Judge’s review.**

The following instructions are prescribed for this District:

1. **Authorization For Payment:**

When a transcript is being requested, a CJA-24 form may be obtained from the Clerk’s Office. The requesting party will complete the upper section of the form identifying the case particulars, as well as the specific proceeding(s) to be transcribed, and **must then be submitted to the presiding Judge for prior authorization.**

2. **Special Requests:**

It is at this point that the requestor must also identify any special requests such as expedited, daily or hourly transcripts, in addition to the necessity for anything other than an original paper transcript (meaning ascii or condensed format). Please be advised, however, that according to Judicial Conference policy, **the furnishing of accelerated transcript services is strongly discouraged.** The Court may grant an exception to this policy based upon a finding that application of the policy will unreasonably impede the delivery of transcripts to persons proceeding under the CJA. Additionally, **a written justification for anything other than the ordinary transcript must be attached** to the CJA-24 for the presiding Judge’s consideration.

3. **Deposition Transcripts:**

With the permission of the Court, depositions may be recorded in cases where a party is proceeding under the CJA. The cost of transcribing depositions in criminal cases is the responsibility of the Department of Justice, except for depositions of expert witnesses on behalf of financially eligible defendants which will be paid out of CJA funds.

## **IN COURT HOURLY WORKSHEET**

This worksheet was devised to standardize the itemization and documentation of Hourly Totals and In Court Services performed by Court Appointed Counsel in the defense of a client under the Criminal Justice Act. Each attorney should provide the following on the worksheet:

1. The Case Number and CJA-20 Voucher Number pertaining to the claim.
2. For each In Court Service rendered provide the following:
  - a.) The date the service was performed
  - b.) A brief description of the service performed
  - c.) The time spent performing the service

The time spent performing the service will be reported in tenths of hours (ie., .2, .5, .8). In addition, the time reported will be listed under the appropriate In Court Service category (ie., Arraignment/Plea, Motions and Requests, Bail Hearings, etc.).

Once all In Court Services have been documented the hours column pertaining to each service category will be totaled. If more than one page is required a page total should be provided on each page. A grand total of all page totals should then be provided on the final page. The grand total hours for each service category will then be transferred to Item 15 of the CJA-20 and listed by the applicable In Court Service and totaled to arrive at the total hours for all In Court Services. The In Court Compensation should then be calculated by multiplying the applicable rate per hour by the total hours.

3. Each page should be numbered (ie., Page 1 of 2, Page 2 of 2, etc.).

Once all necessary information has been completed and transferred to the CJA-20, the In Court Hourly Worksheet must be attached to the CJA-20.

## OUT OF COURT HOURLY WORKSHEET

This worksheet was devised to standardize the itemization and documentation of Hourly Totals and Out of Court Services performed by Court Appointed Counsel in the defense of a client under the Criminal Justice Act. Each attorney should provide the following on the worksheet:

- a. The Case Number and CJA-20 Voucher Number pertaining to the claim.
- b. For each Out of Court Service rendered provide the following:
  - a.) The date the service was performed
  - b.) A brief description of the service performed
  - c.) The time spent performing the service

The time spent performing the service will be reported in tenths of hours (ie., .2, .5, .8). In addition, the time reported will be listed under the appropriate Out of Court Service category (ie., Interviews and Conferences, Obtaining and Reviewing Records, Legal Research and Brief Writing, etc.).

NOTE: Travel time to and from court (or other place where service is rendered) may not be claimed if the round-trip time is less than one hour.

Once all Out of Court Services have been documented the hours column pertaining to each service category will be totaled. If more than one page is required a page total should be provided on each page. A grand total of all page totals should then be provided on the final page. The grand total hours for each service category will then be transferred to Item 16 of the CJA-20 and listed by the applicable Out of Court Service and totaled to arrive at the total hours for all Out of Court Services. The Out of Court Compensation should then be calculated by multiplying the applicable rate per hour by the total hours.

- c. Each page should be numbered (ie., Page 1 of 2, Page 2 of 2, etc.).

Once all necessary information has been completed and transferred to the CJA-20, the Out of Court Hourly Worksheet must be attached to the CJA-20.

## TRAVEL & OTHER EXPENSES WORKSHEET

This worksheet was devised to standardize the itemization and documentation of other reimbursable expenses incurred by Court Appointed Counsel in the defense of a client under the Criminal Justice Act. Each attorney should provide the following on the worksheet:

- a. The Case Number and CJA-20 Voucher Number pertaining to the claim.
- b. For each reimbursable expense incurred provide the following:
  - a.) The date the expense was incurred
  - b.) A brief explanation of the expense incurred
  - c.) The amount of expense incurred

Attach supporting documentation (ie., receipts, canceled checks and invoices) for all expenses in excess of \$50. Such expense items as mileage and copying should show the total miles and pages, respectively, multiplied by the applicable rate to arrive at the expenses incurred. The expenses incurred should then be listed under the appropriate travel or other expense category.

Once all travel and other expenses have been itemized, total each column listing the Total Amount. Transfer and list travel expenses and their applicable totals using the space provided on Item 17 of the CJA-20. Transfer and list other expense categories and their applicable totals using the space provided on Item 18 of the CJA-20. The Travel & Other Expenses Worksheet along with any supporting documentation must then be attached to the CJA-20.

**In Court Hourly Worksheet**

Case Number: \_\_\_\_\_

Voucher Number: \_\_\_\_\_

Case Number: \_\_\_\_\_

Voucher Number: \_\_\_\_\_

		Amount Per Item						
Date	Brief Description of Service	Arraignement and/or Plea	Motions and Requests	Bail Hearing	Sentence Hearing	Trial	Revocation Hearings	Other
	Total Amount Per Item:							



## Out of Court Hourly Worksheet

Case Number: \_\_\_\_\_

Voucher Number: \_\_\_\_\_

Case Number: \_\_\_\_\_

Voucher Number: \_\_\_\_\_

		Amount Per Item				
Date	Brief Description of Service	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Travel Time	Investigative and Other Work
	Total Amount Per Item:					

### Travel & Other Expense Worksheet

Case Number: \_\_\_\_\_

Voucher Number: \_\_\_\_\_

Case Number: \_\_\_\_\_

Voucher Number: \_\_\_\_\_

[illegible]